



**US Army Corps
of Engineers.**

Public Notice

Public Notice No. **05-68**

Date: **August 18, 2005**

Nashville District

Application No. **200301918**

Please address all comments to:
Nashville District Corps of Engineers, Regulatory Branch (Attn: Richard Graham)
3701 Bell Road, Nashville, TN 37214

JOINT PUBLIC NOTICE US ARMY CORPS OF ENGINEERS STATE OF TENNESSEE

SUBJECT: Proposed Wetland Fill, Adjacent to Mile 1.2, Sinking Creek, Tributary to Stones River Mile 23.7, Right Bank, Rutherford County, Tennessee

TO ALL CONCERNED: The project described below has been submitted for a Department of the Army (DA) Permit pursuant to **Section 404 of the Clean Water Act (CWA)**. Before a permit can be issued, certification must be provided by the state of Tennessee, Division of Water Pollution Control, pursuant to Section 401(a)(1) of the CWA, that applicable water quality standards will not be violated. The applicant will apply for the State certification by separate application.

APPLICANT: Amnon Shreibman
5138 Murfreesboro Road
LaVergne, Tennessee 37086

LOCATION: Mile 1.2, Sinking Creek, Opposite Stones River Mile 23.7, Left Bank, Rutherford County, Tennessee (USGS Quad: LaVergne, TN; Latitude 36 deg 1 min 58 sec; Longitude 86 deg 32 min 47 sec).

DESCRIPTION: The proposed work consists of filling 2.21 acres of a 3.59-acre jurisdictional wetland and 140 linear feet of stream in order to accommodate the proposed alignment for East Nir Shreibman Boulevard and graded lots to the south of the road. Wetland impacts would be mitigated by the debit of 8.84 credits from the Coffee County Wetland Mitigation Bank. The proposed road would alleviate traffic congestion within the subdivision and provide utility access to future home tracts within the Lake Forest Estates Subdivision. Plans of the proposed work are attached.

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the work, must be balanced against its reasonably foreseeable detriments. All factors, which may be

relevant to the work, will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b)(1) of the CWA (40 CFR Part 230). A permit will be granted unless the District Engineer determines it to be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historical properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. An EA will be prepared by this office prior to a final decision concerning issuance or denial of the requested DA Permit.

The National Register of Historic Places has been consulted and no properties listed in or eligible for the National Register are known which would be affected by the proposed work. This review constitutes the full extent of cultural resources investigations unless comment to this notice is received documenting that significant sites or properties exist which may be affected by this work, or that adequately documents that a potential exists for the location of significant sites or properties within the permit area. Copies of this notice are being sent to the office of the State Historic Preservation Officer.

Based on available information, the proposed work will not destroy or endanger any federally listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act. Therefore, we have reached a no effect determination and initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

Other federal, state, and/or local approvals for the proposed work are as follows:

Water quality certification from the state of Tennessee in accordance with Section 401(a)(1) of the Clean Water Act.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for hearings shall state, with particularity, the reasons for holding a hearing. Written statements received in

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this office on or before **September 18, 2005**, will become a part of the record and will be considered in the determination. Any response to this notice should be directed to the Regulatory Branch, Attn: Richard Graham, address above, telephone (615) 369-7507, Fax (615) 369-7501. The e-mail address is richard.graham@usace.army.mil.

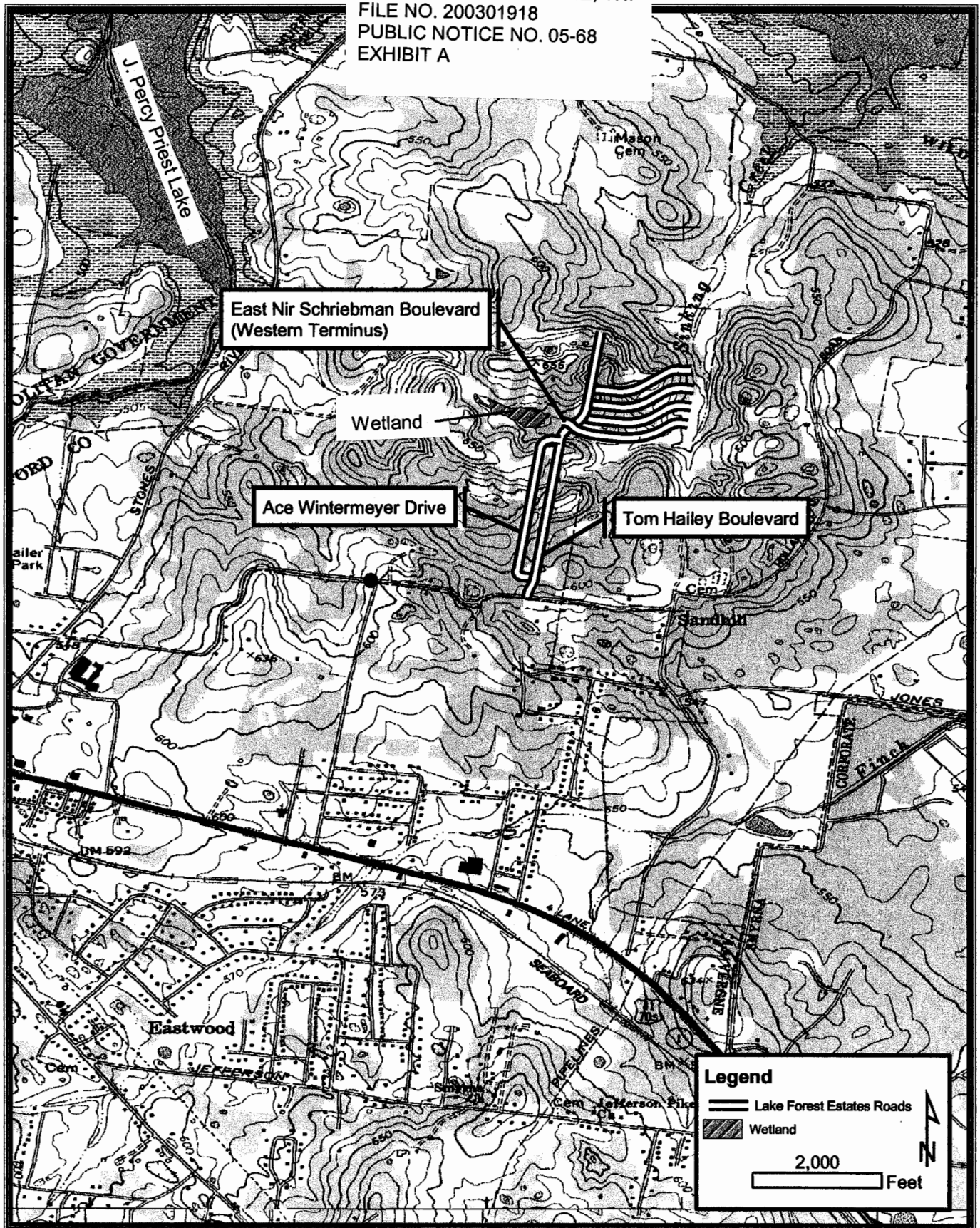


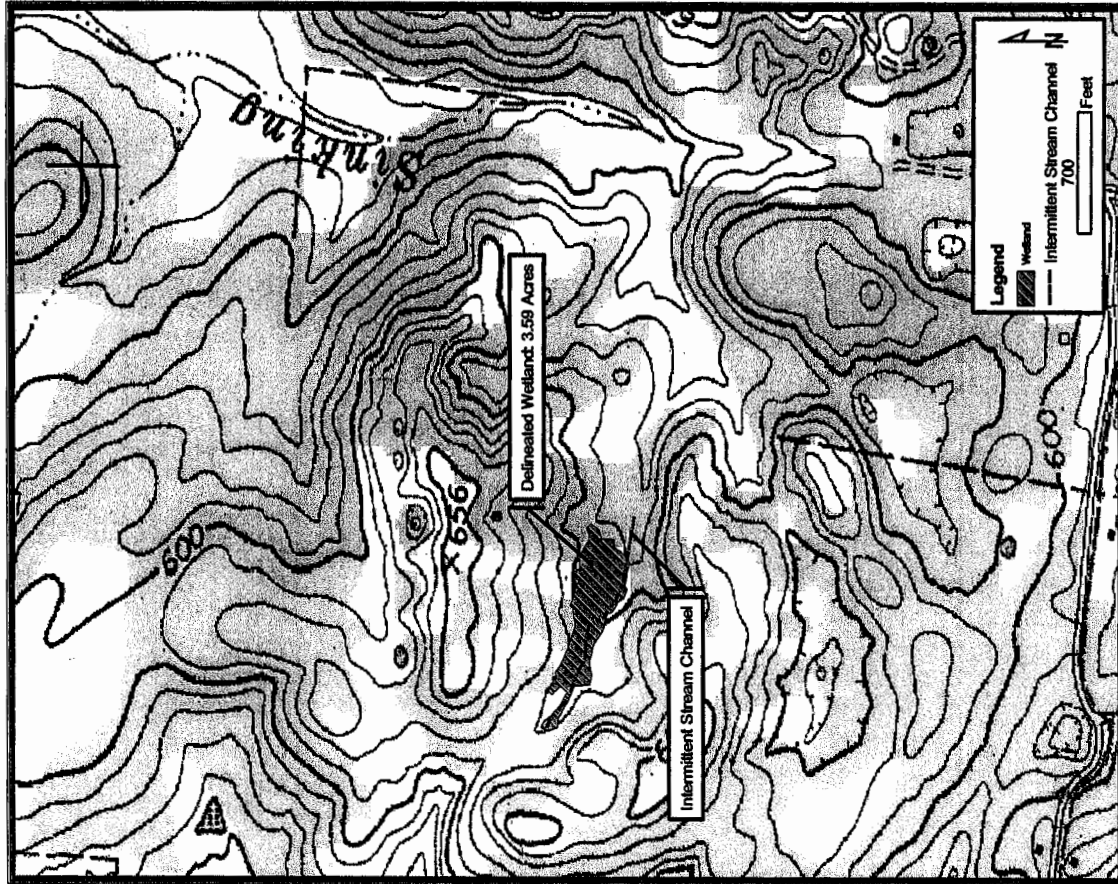
Figure 2. Location of wetland within Lake Forest Estates Development in LaVergne, Tennessee on LaVergne 7.5-minute USGS Quadrangle.

A 3.59-acre jurisdictional wetland area has been identified and delineated within Lake Forest Estates (LFE) in La Vergne, Tennessee, which is situated in northern Rutherford County (Figure 1). LFE is a multi-phased development that has been completed in phases over the last 15-20 years. The identified feature is located approximately 1.35 miles northwest of the intersection of Dick Buchanan Street and Murfreesboro Road and begins at the western terminus of East Nir Schreiber Boulevard as shown on the La Vergne 7.5 minute USGS Quadrangle (Figure 2).

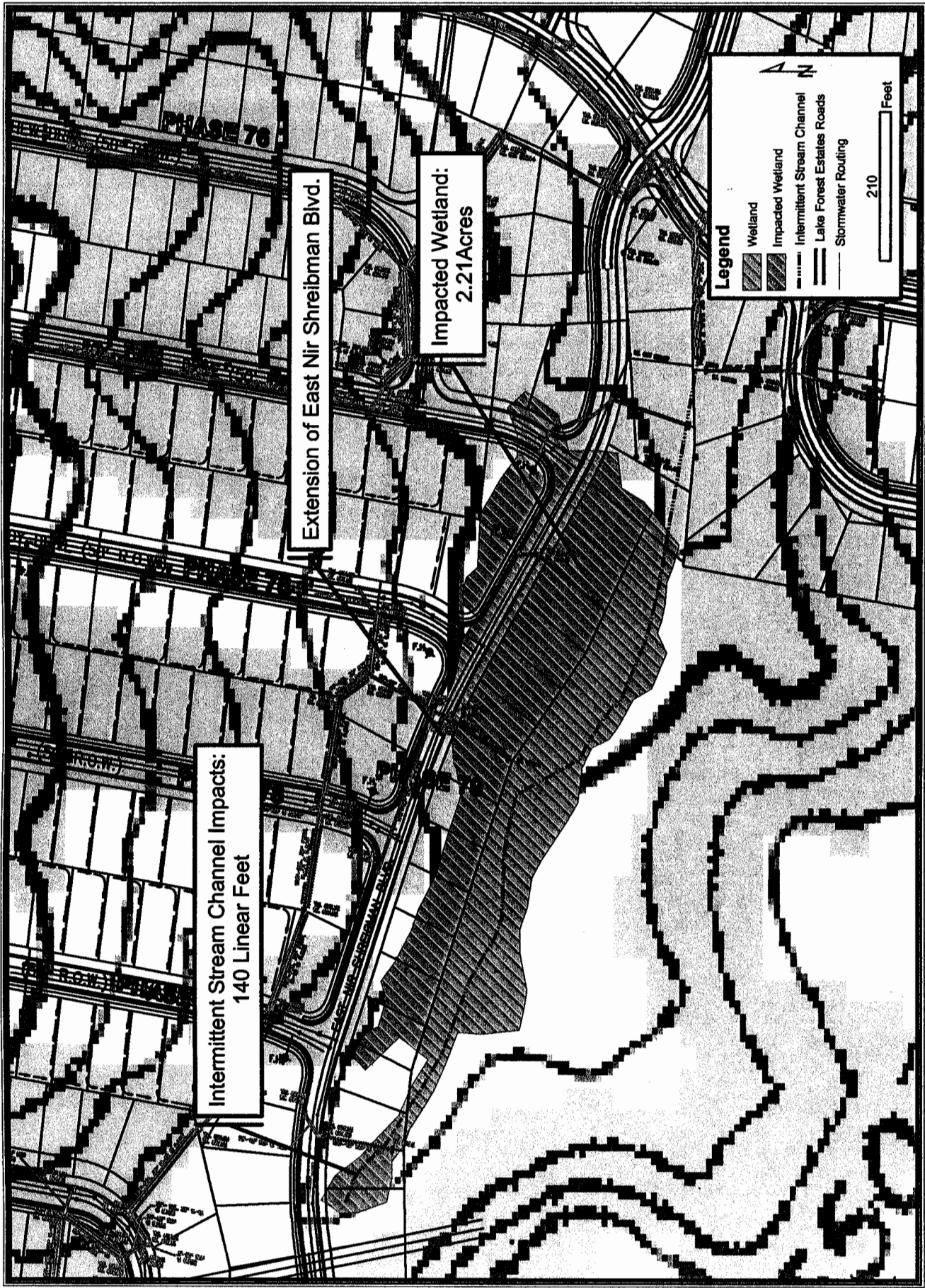
Although not mapped on the USGS topographic map, there is a drainage that has been determined to be an intermittent stream by Mark Jordan of the Tennessee Department of Environment and Conservation (TDEC). The narrow channel becomes evident near the western terminus of the property and continues inside the southern boundary of the wetland (Figure 3). This feature primarily conveys sheetflows associated with runoff from adjacent gradients during rain events and drains water that collects in the topographic saddle situated directly adjacent to the western terminus of the wetland and stream. The intermittent nature of the upper reaches of the stream has been documented during numerous site visits occurring from late spring through mid-summer 2005.

Four new phases of development and the extension of East Nir Schreiber Boulevard to the west have been proposed for the area north of the wetland area (Figure 4). Current site plans will necessitate impact to 2.21 acres of wetland and 140 linear feet of intermittent stream channel. Consequently, this permit application requests approval to fill 2.21 acres and 140 linear feet of the intermittent stream channel. These proposed impacts will allow for efficient use of the property and the continuance of East Nir Schreiber Boulevard to the west.

AMNON SCHREIBMAN
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EXHIBIT B



BDY Brothers, Davis, Young & Associates, Inc.
Figure 3. Delineated wetland and intermittent stream channel within Lake Forest Estates Development in La Vergne, Tennessee on La Vergne 7.5-minute USGS Quadrangle.



BDY Breedlove, Dennis, Young & Associates, Inc.
111 Highway 100, Suite 100, La Vergne, TN 37036
P. 615.299.1946 F. 615.299.1948

Figure 4. Delineated wetland and intermittent stream channel showing proposed impacts and stormwater discharge locations within Lake Forest Estates Development in La Vergne, Tennessee on La Vergne 7.5-minute USGS Quadrangle.